

CV-09 558

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKFILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 06 2009 ★
LONG ISLAND OFFICEANTHONY J GERARDI / H65208
Full name of plaintiff/prisoner ID#~~- against~~ Plaintiff,
SUFFOLK CO. DEPT OF HEALTH
~~DEPT OF HEALTH COMM. HUMAYUN CHAUDRY~~
S.C.C.F MEDICAL UNIT
DEPT OF HEALTH COMM. HUMAYUN CHAUDRY
S.C.C.F CHIEF ADM VINCENT GERACI
DR "IGOR"JURY TRIAL DEMAND
YES _____ NO XFEUERSTEIN, S
TOMLINSON, MEnter full names of defendants DR. PRENTISS
[Make sure those listed above are identical to those listed in Part III.] NURSE PRACTITIONER ALICE
NURSE PRACTITIONER "JANE DOE"
DRUG/ALCOHOL COUNSELOR ELIANA
Defendants. NURSE "JANE DOE" LPN

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No X
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county)
- _____

3. Docket Number: _____

4. Name of the Judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: SUFFOLK COUNTY CORRECTIONAL FACILITY

A. Is there a prisoner ^{MEDICAL} grievance procedure in this institution? Yes ☒ No ()

B. Did you present the facts relating to your complaint in the prisoner ^{MEDICAL} grievance procedure? Yes ☒ No ()

C. If your answer is YES,

1. What steps did you take? SEE ATTACHED

2. What was the result? SEE ATTACHED

D. If your answer is NO, explain why not _____

~~* THIS MEDICAL DEPT HAS A SEPARATE "MEDICAL GRIEVANCE PROCEDURE" APART FROM THE STANDARD GRIEVANCE PROCEDURE~~
E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ☒ No ()

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

II C.1 "WHAT STEPS DID YOU TAKE?"

GRIEVANCE #1 - KNEE

MY KNEE NEVER HEALED RIGHT FROM 6/5/07 ACCIDENT. MONTHS OF BUBBING RESULTED IN AN X-RAY THAT I WAS NEVER TOLD THE RESULTS OF. FINALLY, AFTER DEMANDING TO SEE THE X-RAY REPORT, I WAS TOLD "YOU HAVE ARTHRITIS AND BONE SPURS". I KNOW THIS WAS NOT THE CAUSE OF MY PROBLEM. I FILED A GRIEVANCE DEMANDING AN EVALUATION BY AN ORTHOPEDIST, AND A

GRIEVANCE #2 - WEIGHT CHECKS WEEKLY

(RELATED TO HERNIATED DISCS/DISC DISEASE)

WHenever my weight balloons past 180-190 LBS, THE ADDED WEIGHT PRODUCES IMMEDIATE RADICULAR PAIN (NERVE PRESSURE PAIN) IN BOTH LEGS, AND MAKES IT IMPOSSIBLE FOR ME TO FUNCTION. S.C.C.F

MAKES EVERYONE GAIN WEIGHT BECAUSE THEY HAVE NO PROGRAMS OR ACTIVITIES TO DO, AND

YOU STAY CAGED UP ON YOUR HOUSING UNIT, IDLE. ALSO, THE COMMISSARY IS ALL JUNK FOOD.

SEEING A SCALE DAILY, SPURS ME TO DIET AND EXERCISE. THE INSTANT FEEDBACK SPURS ME TO ACTION AT A WEIGHT GAIN OF TWO OR THREE POUNDS BEFORE I GAIN MAJOR WEIGHT.

MONTHS OF REQUESTS FOR WEIGHT CHECKS, AFTER I GAINED LIKE 25 LBS, RESULTED IN 6 WEEKS OF CHECKS WHICH CEASED AS SOON AS I LOST 15 LBS. I'D ORIGINALLY

II C1 "WHAT STEPS DID YOU TAKE?" (CONT - PAGE 2)

REQUESTED WEEKLY WEIGHT CHECKS. NURSE PRACTITIONER ALICE WOULD ONLY APPROVE "EVERY 2 TO 3 WEEKS, MAYBE LESS IF THEY'RE BUSY" ON 3/25/08, IT TOOK 3 MONTHS TO GET THAT FAR. BY THE END OF MAY 2008, I HAD NOT BEEN CALLED FOR WEIGHT CHECKS AND HAD STARTED DROPPING MEDICAL SLIPS LIKE CRAZY. I FINALLY RECEIVED 6 WEEKS OF WEEKLY WEIGHT CHECKS FROM JUNE TO MID JULY 2008, AND THEN THEY ABRUPTLY STOPPED. I FILED A GRIEVANCE DEMANDING THEY BE RE-STARTED.

II C2 "WHAT WAS THE RESULT?"

~~02/08/09~~
A NURSE PRACTITIONER "JANE DOE" (POSSIBLY PAT OR REGINA) PRESIDED OVER BOTH GRIEVANCES, NOT A DOCTOR.

GRIEVANCE #1 - KNEE

THE NURSE ASKED ME TO EXTEND MY LEGS COMPARING BOTH. I GRIMACED AND HAD DIFFICULTY WITH THE RIGHT. SHE LOOKED AT MY KNEE, VISUALLY INSPECTING IT. SHE PRESSED MY KNEE WITH BOTH THUMBS, CAUSING PAIN.

THEN SHE RE-READ THE X-RAY REPORT, AND REPEATED WHAT I WAS ALREADY TOLD, "YOU HAVE ARTHRITIS AND BONE SPURS", THEN ADDED, "IT'S NOT HOT. IT'S NOT COLD. YOU ARE FINE."

II C2 "WHAT WAS THE RESULT (CONT-PAGE 3)

I TOLD HER IT WAS NOT FINE, THAT IT ALWAYS HURT, AND LISTED A HOST OF DEFICIENCIES. I DEMANDED AN MRI. I WAS TOLD IT WAS "NOT MEDICALLY INDICATED". "END OF DISCUSSION - ON TO GRIEVANCE #2"

GRIEVANCE #2

I WAS TOLD "YOU ARE NOW WITHIN 5 LBS OF YOUR ENTRY WEIGHT. YOU'RE ALREADY GETTING AN EXTRA BLANKET FOR POSITIONING & YOU'VE SEEN A DIETICIAN. YOU GOT SIX WEEKS OF WEIGHT CHECKS. YOU'RE GETTING MORE THAN MOST."

MY IMMEDIATE ARGUMENT THAT, AS I HAD LOST 15 LBS THROUGH THE WEIGHT CHECKS, AFTER 8½ MONTHS OF GAINING WEIGHT, CLEARLY THE PROCESS WAS EFFECTIVE, WAS LOST ON HER. A LECTURE ABOUT NOT EATING PEANUT BUTTER AND JELLY, AND COMMISSARY CAKES ENSUED FOLLOWED WITH ANOTHER "IT'S NOT MEDICALLY INDICATED"

GRIEVANCE #3 (NOT FILED)

I HAD A THIRD GRIEVANCE, DEMANDING ACCESS TO MY ORTHOPEDIC SURGEON, AND MY ALREADY APPROVED, AND PAID FOR SPINAL SURGERY.

NURSE PRACTITIONER ANICE, AFTER A VERBAL INTERVIEW, AND A VISUAL EVALUATION

II C2 "WHAT WAS THE RESULT (CONT. PAGE 4)"

OF ME WALKING FOUR FEET FROM THE DOOR TO THE CHAIR, TOLD ME THAT MY 10 YEARS WORTH OF MRI'S AND MY ORTHOPEDIC SURGEON WERE WRONG, AND THAT I DID NOT NEED THIS "ELECTIVE" SURGERY, AND SHE, A NURSE WAS GOING TO TREAT MY CONDITION "CONSERVATIVELY" WITH EXERCISE, AND GAVE ME A LIST OF BACK EXERCISES.

I WAS ALSO TOLD "SECURITY CONCERNS" WOULD NOT ALLOW ME TO BE TRANSPORTED FOR MY OPERATION

(*) IT WAS MADE CLEAR TO ME, THROUGH BOTH MY FRUITLESS ATTEMPTS TO GET TREATMENT DURING 10½ MONTHS PRIOR TO FILING THE GRIEVANCES, AND THE FACT A NURSE PRESIDED OVER BOTH, WHILE A CORRECTIONS OFFICER HOVERED OVER US IN THE DOORWAY WHILE SHE SYSTEMATICALLY DISMISSED MY CLAIMS AND DENIED ME ACCESS TO ANY DIAGNOSTIC TESTING, OR EVALUATION BY A DOCTOR MUCH LESS A SPECIALIST, THAT FILING THE THIRD GRIEVANCE OVER THE SURGERY WOULD BE FUTILE.

NURSES, AND AN OCCASSIONAL X-RAY ARE EMPLOYED TO MAINTAIN THE APPEARANCE AND ILLUSION OF EVALUATION, WITH THE SOLE INTENT OF DENYING TREATMENT, AND

II C2 "WHAT WAS THE RESULT?" (CONT. PAGE 5)

PRECLUDING THE EXTEND NURE OF HONOR, THIS WAS UNEQUIVOCALLY CONFIRMED FOR ME ON 9/7/08 DURING MY "COMPLETE PHYSICAL EXAM" ANOTHER FARCE, WHICH BEYOND A BLOOD PRESSURE CHECK, AND LISTENING TO YOUR HEART AND LUNGS, INVOLVES NO TESTING/EXTEND NURE SUCH AS LAB WORK-UP OF YOUR BLOOD - STANDARD IN ANY ADULT PHYSICAL.

ONCE A YEAR, THE JAIL HAS A DOCTOR, GIVE YOU A SUPERFICIAL PHYSICAL, PROBABLY TO SATISFY SOME STATE REQUIREMENT. MINE WAS DONE BY A DOCTOR PRENTISS.

I EXPRESSED MY PROBLEMS WITH MY BACK AND KNEES, AND MY FUTILE QUEST FOR TREATMENT. I ALSO COMMUNICATED

THE FACTS THAT POST-GRIEVANCE, I WAS HAVING TROUBLE SEEING, AND HAD A SIZEABLE SKIN GROWTH, I WAS WORRIED MAY BE CANCEROUS,

HIS CANDOR LEFT ME SPEECHLESS. THOUGH HE DID SAY HE'D PUT ME DOWN FOR AN EYE EXAM, HE SAID, "LET ME ASK YOU THIS, WHY SHOULD I, A TAXPAYER, PAY FOR YOUR MEDICAL TREATMENT, WHEN YOU'RE HERE FOR COMMITTING A CRIME, AND WILL LEAVE SOON, AND CAN PAY FOR IT YOURSELF?"

SHORT VERSION: "IF YOU AREN'T GOING TO

II C2 "WHAT WAS THE RESULT?" (CONT PAGE 6)

DIE ON OUR WATCH, WE ARENT DOING ANYTHING FOR YOU". I WENT ON TO SAY THAT, "FIRST, I AM WRONGLY ACCUSED, ~~AND~~ INNOCENT, AND SECOND 12 MONTHS IN, I HAVE NO END IN SIGHT, BUT NEED TREATMENT NOW, BEFORE I'M IN A WHEELCHAIR. HE SAID, "LET'S SEE IN A COUPLE MONTHS. LET'S SEE WHAT HAPPENS."

FURTHER SHIPS ABOUT THE EYE EXAM AND SKIN GROWTH HAVE BEEN IGNORED. I HAVE NOT BEEN CALLED TO MEDICAL SINCE 9/7/08. GRIEVANCES ABOUT MY EYES OR THE SKIN GROWTH WOULD ALSO BE FUTILE - IF THEY DONT CARE IF I BECOME PARALYZED, I DOUBT THEY CARE IF I CAN SEE, OR HAVE CANCER. THE WEIGHT CHECK GRIEVANCE WAS THE DEFINING FACTOR. COST - ZERO, BENEFIT - ENORMOUS, BUT IT'S "NOT MEDICALLY INDICATED", EVEN COURT ORDERS WERE IGNORED,

ALSO OF NOTE, I DIDNT KNOW A MEDICAL GRIEVANCE PROCEDURE EXISTED UNTIL JUNE OF 2008, SOME 10 MONTHS INTO MY INCARCERATION, IT'S NOT IN THE INMATE HANDBOOK, AND NO NOTICE OF IT EXISTS ANYWHERE. I FOUND OUT THROUGH ANOTHER INMATE, THE JAIL RETALIATES FOR FILING REGULAR GRIEVANCES (PLUS I WAS TOLD I COULDN'T FOR MEDICAL ISSUES), BUT I FELT SAFE FILING MEDICAL GRIEVANCES,

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff ANTHONY J. CEPATANO

Address 110 CENTER DRIVE, RIVERHEAD, NY 11901

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

SUFFOLK CO. DEPT OF HEALTH
110 CENTER DRIVE
RIVERHEAD, NY 11901

Defendant No. 2

S.C.C.F. MEDICAL UNIT
110 CENTER DRIVE
RIVERHEAD, NY 11901

Defendant No. 3

HUMAYUN CHAUDRY - COMM. DEPT OF HEALTH
110 CENTER DRIVE
RIVERHEAD, NY 11901

Defendant No. 4

VINCENT CERACI S.C.C.F CHIEF ADM.
110 CENTER DRIVE
RIVERHEAD, NY 11901

Defendant No. 5

DOCTOR "IGOR"
110 ~~DOCTOR~~ CENTER DRIVE
RIVERHEAD, NY 11901

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

✓
DEFENDANT NO. 6 · DOCTOR PRENTISS
· 110 CENTER DRIVE
· RIVERHEAD, NY 11901

✓
DEFENDANT NO. 7 · NURSE PRACTITIONER ALICE
· 110 CENTER DRIVE
· RIVERHEAD, NY 11901

✓
DEFENDANT NO 8 · NURSE PRACTITIONER "JANE DOE"
· 110 CENTER DRIVE
· RIVERHEAD, NY 11901

✓
DEFENDANT NO 9 · NURSE "JANE DOE" LPM
· 110 CENTER DRIVE
· RIVERHEAD, NY 11901

✓
DEFENDANT NO 10. · DRUG/ALCOHOL COUNSELOR ELIANA
· 110 CENTER DRIVE
· RIVERHEAD, NY 11901

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

SUFFOLK COUNTY CORRECTIONAL FACILITY'S MEDICAL UNIT IS A FRAUD DESIGNED TO PERPETRATE THE INVASION OF PROVIDING CARE TO SATISFY LEGAL REQUIREMENTS, BUT BEYOND EMERGENCY/FIRST AID MEASURES NECESSARY TO STABILIZE AN INMATE UNTIL HE LEAVES THE FACILITY, NO MEANINGFUL CARE EXISTS, ARBITRARY REGULATIONS DESIGNED TO DENY CARE AND COST EXPENDITURE EXIST FOR EVERYTHING, INCLUDING THE MOST INSIGNIFICANT OF ILLMENTS. FOR EXAMPLE, A "PRESCRIPTION" IS REQUIRED FOR SALT TO CHARGE WITH, ANTACIDS, OR TYLENOL.

NURSES (LPN'S) DISPENSE MEDICINE ON HOUSING UNITS, BUT BARELY LISTEN TO COMPLAINTS, REFERRING YOU TO FILING A "MEDICAL SLIP", THE WAY TO ACCESS CARE. SLIPS ARE OFTEN IGNORED. COMPLAINTS, EVEN EMERGENCIES,

IV. A

If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

REPORTED TO C.O.'S, ARE IGNORED, AND YOU ARE REFERRED TO THE SLIP SYSTEM. FACE TO FACE COMMUNICATION TO ACCESS MEDICAL CARE DOES NOT EXIST. SLIPS ONLY GET YOU A NURSE PRACTITIONER. DOCTORS ARE VERY RARE. NURSES RUN MEDICAL, AS IF THEY ARE DOCTORS, EVALUATIONS, AND ANY SUPERFICIAL TESTING (AN X-RAY) AT MOST, ARE DONE "IN-HOUSE", DESIGNED TO DISMISS CONCERNS, AND DENY TREATMENT. THEY WON'T LET YOU SEE YOUR DOCTOR, BUT THEY DON'T TREAT YOU THEMSELVES. ON RARE OCCASIONS WHEN AN OUTSIDE DOCTOR IS ACCESSED, HIS ORDERS ARE IGNORED, AND TREATMENT UNDONE.

IV STATEMENT OF CLAIM

CONCERN FOR COMFORT AND WELFARE DOES NOT EXIST. I ENTERED S.C.C.F. WITH TWO PRE-EXISTING MEDICAL CONDITIONS, SERIOUS ONES THAT I WAS UNDER SPECIALISTS' CARE FOR PRIOR TO 9/17/07 WHEN MY INCARCERATION BEGAN. ONE CONDITION, DEGENERATIVE DISC DISEASE / HERNIATED DISCS I HAVE BEEN UNDER THE CARE OF ORTHOPEDIC ^{DOCTORS} ~~PHYSICIANS~~ FOR, ^{TWELVE} ~~TWENTY~~ YEARS, SINCE 1997. THE MORE RECENT CONDITION RELATED TO THE 2007 AUTO ACCIDENT, WHICH INCIDENTALLY BROUGHT ME TO S.C.C.F., ~~WAS~~ REQUIRED SURGERY AND TWO WEEKS HOSPITALIZATION. I WAS ON CRUTCHES, AND PLACED ON THE MEDICAL TIER FOR TWO MONTHS UPON MY ENTRY 9/17/07. MY ARRAIGNMENT MINUTES CLEARLY SHOW THE OBVIOUS NECESSITY OF MEDICAL TREATMENT WAS APPARENT TO THE JUDGE, WHO ASKED, "DO YOU REQUEST THE FILE MARKED 'MEDICAL ATTENTION'?" THE JAIL WAS MADE FULLY AWARE OF MY NEED FOR MEDICAL ATTENTION WITH REGARD TO BOTH CONDITIONS (AND WAS AWARE OF THE BACK ISSUES FROM PRIOR INCARCERATIONS IN 2004 THROUGH 2006) BUT ALL TREATMENT CEASED ON 9/17/07 WHEN I ENTERED JAIL.

FURTHERMORE, ~~THE~~ SUBSEQUENT MEDICAL ISSUES THAT DEVELOPED THROUGH MY 16 MONTHS HERE HAVE BEEN COMPLETELY IGNORED

IV STATEMENT OF CLAIM (CONT - PAGE 2)

MEDICAL ISSUES

1 DEGENERATIVE DISC DISEASE / HERNIATED DISCS

I HAVE SCOLIOSIS, THAT COUPLED WITH A VARIETY OF FORCES THROUGH THE YEARS, RESULTED IN A SEVERELY HERNIATED / SEQUESTERED DISC THAT PARALYZED ME BRIEFLY BEFORE SURGERY ON 8/22/97 FIXED ME. [LUMBAR DISC L4-L5]

A YEAR LATER ON 7/13/98, I WAS HIT FROM BEHIND BY A BOX TRUCK, IN MY CAR, WHILE GOING TO A CLIENT, THIS RESULTED IN FIVE HERNIATED DISCS, TO DATE, AS MY DEGENERATIVE DISC DISEASE PROGRESSIONED. CURRENTLY MY DAMAGED DISC LIST IS - CERVICAL (NECK) DISCS C5-C6, C6-C7, LUMBAR (LOWER BACK) L1-L2, L4-L5, AND L5-S1. I AM LEGALLY DISABLED FROM THE '98 ACCIDENT.

I HAVE NERVE DAMAGE IN BOTH LEGS,
AND MY RIGHT ARM. I REQUIRE EXTENSIVE
PAIN MANAGEMENT. I, PRIOR ENTRY, WAS UNDER THE CARE OF ORTHIN AND COHEN ORTHOPEDIC ASSOCIATES SINCE 2002.

THEY RECOMMENDED FUSION SURGERY ON MY
NECK IN 2002, AND ALSO ON MY LOWER BACK
IN 2004 OR 2005. HOLDING OUT FOR THE NEW
"ARTIFICIAL DISC REPLACEMENT" TO BECOME
FDA APPROVED, I DEFERRED SURGERY, BUT
BY 2005, I WAS IN AGONY, AND COULD

IV STATEMENT OF CLAIM (CONT - PAGE 3)

WAIT NO MORE. LUCKILY, THE FDA HAD JUST RECENTLY APPROVED THE ARTIFICIAL DISCS FOR LOWER BACK SURGERIES.

THE INSURANCE CO. APPROVED THE OPERATION IN NOVEMBER 2005, BUT I KNEW I WAS SOON GOING TO JAIL FOR MY PROBATION VIOLATION FOR 4 MONTHS, AND DIDNT WANT TO BE RECOVERING IN JAIL FROM SURGERY, SO I DECIDED TO WAIT UNTIL I GOT OUT.

UPON ENTRY 2/2/04, I SAW MEDICAL AND REQUESTED PAIN MANAGEMENT MEDICINE LIKE I WAS GETTING FROM MY SURGEON (VICODIN, AND SOMA). I WAS TOLD THAT THEY DONT PRESCRIBE NARCOTICS "BECAUSE SOME PEOPLE USE THEM TO GET HIGH". MY WELL DOCUMENTED CONDITION SHOULD HAVE MADE CLEAR MY INTENTION WAS PAIN RELIEF RATHER THAN RECREATIONAL USE. I EVEN OFFERED TO GET MY MEDICAL RECORDS SENT IN, BUT WAS TOLD, "WE KNOW ABOUT YOUR CONDITION, BUT WE DONT PRESCRIBE 'NARCOTICS'." I WAS WRITTEN A PRESCRIPTION FOR AN ANTI-INFLAMMATORY WHICH DID NOTHING FOR ME WHATSOEVER.

MY CONDITION, COUPLED WITH THE PATHETIC BODS THEY HAVE (A TWO INCH EXERCISE PAD ON A METAL SLAB), KEPT ME IN AGONY FOR THE FOUR MONTHS, FROM 2/2/06 TO 6/6/06

IV STATEMENT OF CLAIM (CON'T - PAGE 4)

APPROXIMATELY A WEEK BEFORE RELEASE 5/25/06, I WAS ATTACKED BY ANOTHER INMATE, JOHN LEE JOHNSON, WHO THREW ME BACKWARDS INTO A LOCKER. I CAUGHT THE POINT OF THE CORNER SQUARE IN BETWEEN MY SPINE, AND MY RIGHT SHOULDER BLADE. A STOCKY MAN, HE THREW ME INTO THE UNIT WITH SUCH FORCE THAT THE UNIT - A DOUBLE BUNK BED WITH TWO LOCKERS ATTACHED, WITH BOTH OCCUPANTS ON THEIR BEDS, FLEW SOME THREE FEET OVER, A COMBINED WEIGHT OF SOME 500 LBS MOVED FROM THE IMPACT OF MY BACK INTO THE LOCKER POINT,

CORRECTIONS OFFICERS SAW THE ENTIRE THING, AND REPORTED IT TO SECURITY. THE ATTACK CRIPPLED ME FOR A WEEK. I COULD BARELY WALK. BUT I WAITED TWO DAYS TO GO TO MEDICAL BECAUSE EVERYONE WOULD'VE THOUGHT ME "SNITCHING" HAD I GONE THAT DAY.

I WAS WAITING ON A BENCH OUTSIDE MEDICAL, WHEN THE HEAD OF SECURITY MOTIONS ME TO FOLLOW HIM. (INMATES OFTEN SEE SECURITY UNDER THE GUISE OF MEDICAL.) I SAID, "NO. I DON'T WANT TO SEE YOU. I REALLY NEED MEDICAL ATTENTION - BADLY".

IV STATEMENT OF CLAIM (CONT - PAGE 5)

HE WOULD NOT LET ME SEE THE DR. UNTIL HE QUESTIONED ME. HE KNEW THE WHOLE THING, HE CALLED UP THE INMATES PICTURES, AND DESCRIBED THE ENTIRE ATTACK TO ME, AND PRESSURED ME TO PRESS CHARGES. CLEARLY THE TWO C.O.'S IN THE GYM AT THE TIME SAW THE ENTIRE THING, INCLUDING ME WRITHING IN AGONY ON THE FLOOR,

THEY REPORTED IT TO SECURITY, BUT KNOWING MY PROBLEM WITH REQUESTING MEDICAL ATTENTION IMMEDIATELY, THEY DID ~~NOTHING~~ TO GET ME TO MEDICAL. THEN WHEN I GOT ME TO MEDICAL I WAS ORDERED TO SEE SECURITY FIRST,

WHEN I GOT TO MEDICAL, I WAS TOLD "THE SCAB'S HEALING. WE CANT DO ANYTHING FOR YOU," DESPITE NOTING I WAS EXPERIENCING MUSCLE SPASMS AT THE TIME, THE NURSE (YOU ALWAYS SEE A NURSE, A DOCTOR IS RARE) REFUSED TO GIVE ME ANY KIND OF PAIN MEDICATION OR MUSCLE RELAXANTS. HER FINAL COMMENT WAS, "BESIDES, YOU'LL BE HOME IN A WEEK. ASK YOUR DOCTOR." THE FINAL IRONY IS THAT I'D AGREED TO PRESS CHARGES THE DAY I LEFT, IN A WEEK. THE SECURITY HEAD, WHO WOULDN'T LET ME SEE MEDICAL BEFORE HIM, NEVER CALLED ME BACK TO DO IT,

IV STATEMENT OF CLAIM / CON'T - PAGE 6)

SO NOW IT'S DAWNING ON SUMMER 2006, AND I FIND OUT THE ARTIFICIAL DISC OPERATION IS HAVING HIGH FAILURE RATES, AND MY SURGEON DOESN'T WANT TO DO THEM ANY LONGER. HE RECOMMENDS THE FUSION SURGERY AGAIN, THE ONE I DIDN'T WANT TO HAVE FOR TWO YEARS.

I AGAIN DEFERRED, BUT BY THE END OF 2006, I REALIZED I COULD HOLD OUT ANY LONGER. I WAS OUT OF OPTIONS. THE NERVE DAMAGE WAS PROGRESSING TOO FAST. I

TOLD HIM TO DO THE FUSION SURGERY.

BUT NOW THE INSURANCE AUTHORIZATION WAS A YEAR OLD, AND THE OPERATION TECHNICALLY CHANGED, SO THE DOCTOR WANTED NEW AUTHORIZATION. HOWEVER, THIS TIME THE INSURANCE COMPANY BACKED AND DEMANDS AN INDEPENDENT MEDICAL EXAM (IME), WHICH TOOK PLACE APRIL 2007. THE IME DETERMINED I NEEDED IMMEDIATE SURGERY.

THEN, WHILE AWAITING THE FINAL PROCESSING FOR THE SURGERY, I GOT IN A CAR ACCIDENT 6/5/07, IN WHICH MY NECK WAS FURTHER INJURED WHEN I HIT, AND BOUNCED OFF THE WINDSHIELD WITH MY HEAD, ALMOST GOING THROUGH IT, AS WAS MY LOWER BACK BOTH BY THE SAME AND BY

IV STATEMENT OF CLAIM (CONT - PAGE 7)

VIRTUE OF MY FEMUR ON MY RIGHT LEG
BEING DRIVEN UP INTO MY HIP, ~~AND~~ BREAKING
THE HIP/THIGH SOCKET, WHICH REQUIRED
SURGERY TO REPAIR, ALONG WITH MY BROKEN FEMUR.
I WAS STILL ON CRUTCHES, RECOVERING

FROM THIS ACCIDENT 9/17/07 WHEN I ENTERED
JAIL. I IMMEDIATELY WENT TO MEDICAL

AND EXPLAINED THE ENTIRE SURGERY SAGA
HISTORY, AND HOW IT HAD BEEN DELAYED,
MOST RECENTLY WHILE I RECOVERED FROM
THE JUNE 5 ACCIDENT.

I STATED MY INTENTION TO HAVE THE BACK
OPERATION AS SOON AS I WAS OFF THE
CRUTCHES TO NURSE PRACTITIONER ALICE.
SHE IMMEDIATELY STARTED THROWING UP
ROAD BLOCKS, TO DENY ME THE SURGERY.

WHEN I REQUESTED MY MEDICAL FILE AT
ORLIN AND COHEN ORTHOPEDIC BE GOTTEN,
NURSE PRACTITIONER ALICE SAID, "OH NO.
WE REQUESTED YOU SIGN A RELEASE FOR
THOSE IN 2005, AND YOU REFUSED, SO WE
WONT SEND FOR THEM NOW". I TOLD HER
THAT MY 2005 REFUSAL WAS BECAUSE I
WAS ONLY GOING TO BE IN FOR 3 WEEKS
AND I SAW NO REASON FOR MY DOCTOR
TO KNOW I WAS IN JAIL, ESPECIALLY
SINCE I'D LEAVE BEFORE THE RECORDS
ARRIVED, SHE STILL REFUSED.

IV STATEMENT OF CLAIM (CONT - PAGE 8)

I SAID, "FINE. YOU DON'T NEED THE RECORDS ANYWAY. YOU'RE NOT GOING TO TREAT THIS. THEY (MY DOCTOR'S) ARE. JUST CALL THEM, AND SCHEDULE MY SURGERY, AND TRANSPORT ME."

NURSE PRACTITIONER ALICE (ALICE) SAYS, "OH NO, THAT'S ELECTIVE SURGERY. YOU DON'T NEED THAT. WE'RE (MEANING HERE) GOING TO 'TREAT' IT CONSERVATIVELY WITH EXERCISE". (A FEW DAYS LATER I RECEIVED A ONE PAGE LIST OF BACK EXERCISES)

NOW KEEP IN MIND - THIS IS A NURSE, WHO JUST MET ME, AND DID NO, NOR HAD ACCESS TO ANY, MEANINGFUL TESTING OF MY CONDITION. SHE DIDN'T EVEN DO MANUAL RESISTANCE TESTS. HER ENTIRE 'DIAGNOSIS' WAS BASED UPON THIS FIVE MINUTE CONVERSATION. SHE DID NO EXAMINATION WHATSOEVER.

WHEN I PRINTED THIS OUT, ALONG WITH THE FACT THAT TWO SPECIALIST SURGEONS (MY DOCTOR, AND THE I.M.E), WITH MEDICAL DEGREES, YEARS OF RESIDENCY, AND SPECIALTY EXPERIENCE HAD EVALUATED 10 YEARS OF MRI'S AND DETERMINED THAT I DID NEED SURGERY, ALONG WITH THE FACT THAT PHYSICAL THERAPY HAD BEEN TRIED TO NO AVAIL BACK IN 1999 POST ACCIDENT

IV STATEMENT OF CLAIM (POMT - PAGE 9)

AND PRIOR TO MY "NEUROLOGY" ERA, WHICH WAS DURING MY "INOPERABLE" PHASE, BEFORE I ARRIVED IN ORTHOPEDIC SURGERY LAND, SHE REPEATED, "WELL I'M GOING TO TREAT YOUR CONDITION WITH EXERCISE", WHICH MY CRUTCHES PRECLUDED ANYWAY EVEN WERE IT ~~WAS~~ A VIABLE OPTION?

WHAT STRUCK ME THE MOST WAS ALICE KEPT REPEATING, "I'M GOING TO TREAT YOU CONSERVATIVELY, YOU DON'T NEED 'ELECTIVE' SURGERY." I WAS INCREDULOUS, THINKING, THIS PATHETIC NURSE THINKS SHE'S A DOCTOR. "I'M GOING TO TREAT YOU..." THE AUDACITY. THEN SHE ADDS, "EVEN WERE I TO APPROVE YOUR SURGERY, YOUR DOCTOR COULDN'T DO IT. IF IT'S NOT A HOSPITAL THAT WE TRANSPORT TO, AND WHO TAKES MEDICAL, WE WON'T DO IT. THERE'S SECURITY ISSUES" I SAID, "I DON'T NEED YOUR INSURANCE, THE OPERATION IS PAID FOR, YOU ONLY NEED TO DUMP A BUCK NINETY EIGHT OF GAS IN A CAR AND TRANSPORT ME, AS FOR SECURITY, THERE'S NO MORE SECURITY AT STONY BROOK (THE JAIL'S HOSPITAL) THAN AT MY SURGEON'S. THERE'S NO PRISONER'S WING. BESIDES - I'M ON CRUTCHES. I'M CRIPPLED. I'M HARDLY A 'SECURITY CONCERN' NOW A SECURITY EXPERT TOO, SHE REPLIES

IV STATEMENT OF CLAIM (CONT - PAGE 10)

THAT THEY'D BEEN DOING THIS A LONG TIME, AND NEEDED NO HELP FROM ME, AND REGARDLESS, SHE WASN'T GOING TO ALLOW MY OPERATION, ELECTIVE, AT THIS POINT,

I DEMANDED TO SEE A DOCTOR CONCERNING THE MATTER AND WAS TOLD THAT I DIDN'T NEED TO SINCE SHE'D EXAMINED ME, AND DETERMINED I DIDN'T NEED SURGERY.

I CHANGED TRACKS AND REQUESTED PAIN MANAGEMENT. ALICE TOLD ME THAT SINCE I HAD PRIOR COCAINE ISSUES I ONLY WANTED MEDICATION TO GET HIGH, AND SHE WASN'T GOING TO BE A PARTY TO MY ADDICTION, THAT COCAINE WAS TWO YEARS PAST, THAT COCAINE AND OPiates ARE TWO DIFFERENT WORLDS, THAT MY SURGEON WAS AWARE OF MY PAST COCAINE ISSUES, AND PRESCRIBED THE REQUESTED MEDICATIONS FOR FIVE YEARS FELL ON DEAF EARS, "THAT'S NOT THE WAY I PRACTICE. I'LL GIVE YOU AN ANTI-INFLAMMATORY, FLEXORAL, BUT THAT'S IT, I'M NOT HELPING YOU GET HIGH"

I HAVE A DIARY DETAILING SUBSEQUENT VISITS TO MEDICAL, BUT IT IS NOT IN MY POSSESSION IN THE JAIL. I SENT IT OUT TO PROTECT IT, SO I MAY JUMBLE SOME OF THE FOLLOWING, BUT THE SUBSTANCE IS HERE

SHORTLY AFTER THIS INITIAL CONTACT WITH

IV STATEMENT OF CLAIM (CON'T-PAGE 11)

ALICE, I DROPPED A SLIP SPECIFICALLY REQUESTING
TO "SEE A DOCTOR, NOT A NURSE". I WAS
CALLED TO MEDICAL TO SEE ALICE AGAIN,
MUCH TO MY DISMAY.

I REQUESTED A MEDICAL ORDER FOR A
SECOND MATTRESS, EXPLAINING THAT THE
ONE STANDARD ISSUE STATE MATTRESS, WORN
FROM YEARS OF USE, ALLOWED MY HIPS
AND SHOULDERS TO PRESS RIGHT THROUGH
TO THE METAL SHAB IN THE BED FRAME
CAUSING ME PAIN, AND PREVENTING ME
FROM EVER SLEEPING MORE THAN AN HOUR
STRAIGHT (AN OCCURRENCE WHICH PERSISTS
TO THIS DAY, SOME 16 MONTHS LATER)

I WAS TOLD THAT BY ORDER OF THE WARDEN,
NO ONE WAS ALLOWED TWO MATTRESSES BECAUSE
IT CAUSES JEALOUSY AND FIGHTS. THAT I
WAS ON THE MEDICAL TEAM CHANGED NOTHING,
I THOUGHT, "LOVEZLY, FIRST A NURSE, NOW
A WARDEN, IS MAKING MEDICAL DECISIONS
THAT WILL AFFECT THE REST OF MY LIFE"
THEN I REQUESTED A MEDICAL ORDER
FOR TWO EXTRA BLANKETS, ONE TO
TASHON INTO A PILLOW TO KEEP MY NECK
PROPERLY SUPPORTED, THE OTHER BECAUSE
THE JAIL IS FREEZING, WINTER'S COMING,
AND COLD ADVERSELY AFFECTS BACK CONDITIONS.
SHE SAID SHE'D WRITE AN ORDER FOR BOTH.

IV STATEMENT OF CLAIM (CONT-PAGE 12)

THEN I REVISITED THE PAIN MEDICATION ISSUE, BEGGING SHE GET MY MEDICAL RECORDS. SHE AGAIN REPEATED HERE, "I WON'T BE PART OF YOUR ADDICTION." ENRAGED, IT TOOK TREMENDOUS CONTROL TO NOT SCREAM, "VICODIN IS NOT, NOR WAS, PART OF MY ADDICTION, AND THAT WAS TWO YEARS AGO, YOU B_____ " (DEROGATORY TERM FOR FEMALES THAT EVEN HER CO-WORKERS REFER TO HER AS)

WHEN I PERSISTED, ASKING, "SO IF I'M PARALYZED IN A WHEELCHAIR IN AGONY, I CAN NEVER GET SO MUCH AS A TYLENOL FROM YOU BECAUSE I USED TO BE HOOKED ON COKE??" I WAS TOLD THAT IF I EVER GOT THAT BAD SHE WOULD, BUT THAT I DIDN'T NEED IT NOW, "SHE THEN GOT NASTY AND THREW ME OUT SAYING, "YOU'RE DONE. LEAVE!"

I ASKED, "SO AT WHAT POINT DO YOU STOP BRINGING UP MY FORMER ADDICTION, AND START TREATING ME? I CAN'T GET SURGERY, I CAN'T GET AN EXTRA MATTRESS, WHAT CAN I GET?"

SHE REPEATS, "YOU'RE DONE. I SAID LEAVE, DO I HAVE TO CALL THE OFFICER?" I'M AN INMATE FIRST, A PATIENT SECOND, IN RETALIATION, SHE NEVER WROTE THE "EXTRA BLANKET" ORD -

IV STATEMENT OF CLAIM (CONT-PAGE 13)

SEVERAL WEEKS LATER, I MANAGED TO GET TO MEDICAL WITH REGARD TO MY 6/5/07 ACCIDENT INJURIES, AND BY LUCK OF THE DRAW, GOT TO SEE DR. HIGOR. I EXPLAINED MY BACK ISSUES AND MY NEED FOR SURGERY. HE, WHILE SYMPATHIZING, FRANKLY STATED, "YOU CAN'T HAVE YOUR OPERATION WHILE YOU ARE HERE. YOU'LL HAVE TO WAIT UNTIL YOU GET OUT, OR GO UPSTATE" HE ASKED HOW LONG I'D BE IN S.C.I.F. FOR. WHEN I REPLIED, "UNKNOWN", HE REPEATED WHAT ALICE HAD SAID ABOUT STONY BROOK BEING THE ONLY HOSPITAL THEY'D BRING ME TO, AND MY DR. WAS MOOT, ETC.

HE DID HOWEVER AGREE TO PRESCRIBE SOME PAIN PILLS AFTER I TOLD HIM HOW I WAS IN AGONY, AND COULDN'T SLEEP, "I'LL GIVE YOU YOUR VICODIN, BUT WE DON'T USE YOUR SOMA." MUCH TO MY CHAGRIN, I FIND OUT HE PRESCRIBED ONE 300 MG VICODIN, AT NIGHT, FOR ONE WEEK. I GET SIX 1000 MG PER DAY AND THREE SOMA DAILY FROM MY SURGEON. IT WAS THE BARE MINIMUM POSSIBLE.

WHEN I AGAIN WENT TO MEDICAL TO GET THE SCRIPT RENEWED, I DREW ALICE, WHO AGAIN DECIDED SHE KNOW BETTER THAN DOCTORS, AND DISCONTINUATION

IV STATEMENT OF CLAIM (CONT - PAGE 14)

THE MEDICATION.

SO NOW IT'S MARCH, SIX MONTHS IN S.C.C.F HAS CAUSED ME TO GAIN A LOT OF WEIGHT. I DON'T KNOW WHAT I WEIGH, BUT I KNOW I'M FAT. I FIND ~~OUT~~ 194.5 LBS ON THE SCALE AT MEDICAL, THE FATEST I'VE EVER BEEN IN HISTORY. IT IS PUTTING TREMENDOUS EXTRA PRESSURE ON MY DISCS, LAYING, SITTING, STANDING, MOVING, ALL CAUSE ME EXCRUCIATING PAIN. I MOVE LIKE I'M 90. PRIOR REQUESTS FOR REGULAR WEIGHT MONITORING HAVE BEEN IGNORED, BUT ON 3/25/08, ALICE ^{FINALLY} AUTHORIZES "EVERY 2 TO 3 WEEKS" CHECKS. (I NEED DAILY, AND REQUESTED WEEKLY, BUT GOT *2-3 WEEKS) SHE ALSO AUTHORIZES THE EXTRA BLANKET FINALLY, SOME SIX MONTHS AFTER MY ORIGINAL REQUEST, BUT DENIES ME ANY PAIN MEDICATION, OR ANY OUTSIDE EVALUATION ON MY KNEE. I DIDN'T EVEN BOTHER WITH THE BACK SURGERY, FIGURING I'D LOSE THE TWO THINGS I WAS GETTING (THE BLANKET, AND WEIGHT CHECK). NOTICE HOW THE AUTHORIZED ITEMS ARE FREE, AND THE REQUESTS INVOLVING COST ARE DENIED?

BUT TWO MONTHS LATER, THE WEIGHT CHECKS HADN'T STARTED, SO I BEGAN TO

IV STATEMENT OF CLAIM (CONT - PAGE 15)

DROP SLIPS DEMANDING THEM, I BELIEVE MY FIRST ONE WAS 3/21/08. THE SECOND WEEK, I'M DOWN AT MEDICAL, AND THIS OBNOXIOUS NURSE, NURSE "JANE DOE" LPM, ANGRILY SCREAMS AT ME, "AND STOP DROPPING SLIPS. WE DO WEIGHT CHECKS ON SATURDAYS AT 8 AM, THAT'S IT."

I TOLD HER THAT I DIDN'T GET COMPLIANCE WITH THE 3/25/08 ORDER UNTIL I BEGAN DROPPING SLIPS, AND THAT I WOULD CONTINUE TO DO SO. AFTER DENIAL OF SURGERY, AND MAINTENANCE OF SYMPTOMS COMFORTS AND MEDICATIONS, I GOT THIS ONE LITTLE THING - WEIGHT CHECKS, ORDERED, AND THEN IT WASN'T DONE, AND I GOT TO HAVE THIS OBNOXIOUS NURSE GIVING ME GRIEF FOR DROPPING TWO SLIPS IN TWO WEEKS TO DEMAND COMPLIANCE?

I LOST 5 LBS IN EACH OF WEEKS ONE AND TWO. I LOST 2½ LBS IN EACH OF WEEKS THREE AND FOUR. DURING THE FINAL TWO WEEKS OF WEIGHT CHECKS I LOST ONLY 2½ LBS. BUT OVERALL I'D LOST SOME 17½ LBS, DROPPING FROM 194.5 LBS TO 177 LBS, PROVING IT WORKED. THEN INEXPLICABLY, THE WEIGHT CHECKS STOPPED. AS I EXPLAINED IN THE GRIEVANCE # 2 SECTION, I WAS TOLD

IV STATEMENT OF CLAIM (CONT - PAGE 16)

"YOU ARE NOW WITHIN 5 LBS OF YOUR ENTRY WEIGHT, SO IT'S NO LONGER MEDICALLY INDICATED."

"NOT MEDICALLY INDICATED" IS THE MOST FREQUENT DIAGNOSIS FOUND IN S.C.C.F.'S MEDICAL UNIT. THE GRIEVANCE PROCEDURE IS NO MORE THAN A WHITE-WASH OF PRIOR DECISIONS, NOW YOU CAN SEE WHY FILING ANY FURTHER GRIEVANCES OVER MY BACK SURGERY, OR MY SUBSEQUENTLY DEVELOPED ISSUES WOULD HAVE BEEN FUTILE.

I AM LEGALLY DISABLED, CLASSIFIED AS PERMANENTLY DISABLED ON 7/13/48 BY THE NEW YORK STATE WORKERS COMPENSATION SYSTEM, FOR LIFE. I HAVE OVER TEN YEARS WORTH OF MEDICAL DOCUMENTATION ON MY CONDITION, AND MY NEED FOR SURGERY; MRI'S, EKG'S, EVALUATIONS BY SURGEONS DONE ON A MONTHLY BASIS. EVEN INSURANCE COMPANY DOCTORS, WHO GET PAID TO DENY ME SURGERY SAY, "HE NEEDS SURGERY". THE JAIL IS AWARE THAT I HAVE A PAINFUL, DEGENERATIVE CONDITION THAT ONLY DETERIORATES WITH TIME, UNDER THE BEST OF CONDITIONS, MUCH LESS UNDER THE STRAIN OF SPARTAN JAIL LIFE. YET FOR FOUR MONTHS IN 2006, AND SOME 16 MONTHS TO DATE, THEY HAVE

IV STATEMENT OF CLAIM (CONT - PAGE 17)

DONE NOTHING TO TREAT MY CONDITION, OR FACILITATE ANY ATTEMPT TO ALLEVIATE IT, MUCH LESS FIX IT. A SELF-GRANDIOSE NURSE HAS DENIED ME EVERYTHING, EVEN THE SMALLEST MEASURE OF WHAT ANY ORTHOPEDIST WOULD CONSIDER MANDATORY.

I WAS DENIED MY PRE-AUTHORIZED SURGERY BY A NURSE. THEN I WAS DENIED THE SYMPTOM MANAGEMENT THAT MY SURGEON, A SPECIALIST, GAVE ME FOR FIVE YEARS RUNNING. THEN, AFTER A DOCTOR PROVIDED ME THE SMALLEST MODICUM OF RELIEF, THIS SAME NURSE AGAIN DENIED ME CONTINUATION OF YET ANOTHER DOCTOR'S ORDER.

RELEGATED TO "COMMON SENSE" MANAGEMENT OF SYMPTOM EXACERBATING FACTORS, EVEN A SIMPLE REQUEST LIKE ALLOWING ME TO STEP ON A SCALE WAS AN AGONIZING SAGA. THE BIGGEST IRONY IS THAT THE ONLY ONE WHO ATTEMPTED TO FOLLOW STANDARD MEDICAL PROTOCOL, "DR IGOR", ALBET AT A STILL UNCONSCIONABLE LEVEL, IS NO LONGER EMPLOYED BY S.C.C.F., HAVING BEEN LET GO. THE TAIL HAS BEEN SUED FOR MAKING PEOPLE FAT, BUT I CANT USE A SCALE TO MONITOR WEIGHT GAIN AFFECTING AN OPERABLE DISC CONDITION. A GENERAL COURT ORDER OF "MEDICAL

IV STATEMENT OF CLAIM (CONT 18)

ATTENTION" WAS IGNORED. I WAS PLACED ON THE MEDICAL TIER FOR TWO MONTHS, BUT TO WHAT END?

BEYOND AN ORDER FOR AN "EXTRA BLANKET ALLOW", I RECEIVED NOTHING (THE JAIL DOES NOT PROVIDE PILLOWS) CONSTITUTING MEDICAL CARE, DESPITE CONTINUAL, REPEATED DEMANDS FOR TREATMENT. AS OF 9/7/08, MEDICAL NO LONGER ANSWERS MY MEDICAL SLIPS FOR ANY REASON, DESPITE KNOWLEDGE THAT DENIAL OF ACCESS TO TREATMENT COULD CAUSE ME PERMANENT NERVE DAMAGE, AND PARALYSIS AGAIN.

HAVING ENDURED THIS CONDITION FOR MORE THAN 10 YEARS, I AM ACUTELY AWARE OF ITS DYNAMICS. MY NERVE DAMAGE WAS PRIMARILY IN MY LEFT LEG, PRIOR TO 9/17/07, THOUGH IT EXISTED SIGNIFICANTLY IN MY RIGHT LEG AND RIGHT ARM. HOWEVER, IT HAS CONSIDERABLY ADVANCED, TRIPLED I'D SAY, IN MY RIGHT ARM, AND RIGHT LEG DURING MY INCARCERATION. I AM IN AGONY. THE S.C.C.F. MEDICAL UNIT NOT ONLY STANDS BY AND IDLY WATCHES, DOING NOTHING FOR SOMETHING I ARRIVED WITH, S.C.C.F. LIFE DAMAGES MY CONDITION FURTHER, IT IS A KNOWN FACT THAT THE ENVIRONMENT STRUCTURE

IV STATEMENT OF CHAIM (CONT 19)

IN S.C.C.F MAKES EVERYONE GAIN WEIGHT, THE MEDICAL TIER IS 21 HOUR LOCKDOWN, YOU SIT AND DO NOTHING BUT GROW FAT, COUPLED WITH PATHETIC BEDS, AND NOTHING SOFT TO SIT ON (THE JAIL IS STEEL AND STONE), THE ENVIRONMENT THAT'S UNCOMFORTABLE TO THE HEALTHY, IS EXCRUCIATING AGONY TO ME, YET THE JAIL, AND THE MEDICAL UNIT DO ~~DO~~ NOTHING TO HELP ME

THOUGH IMPOSSIBLE TO EVER CALCULATE, I BELIEVE MY TIME HERE, WILL RESULT IN MY BEING IN A WHEELCHAIR FIVE TO TEN YEARS EARLIER THAN I WOULD HAVE BEEN OTHERWISE, AND WILL CAUSE ME PAIN FOR THE REST OF MY LIFE. IF I NEEDED AN OPERATION TO KEEP ME OUT OF A WHEELCHAIR NOVEMBER 2005, AND DESPERATELY NEEDED IT APRIL 2007, AND THEN GOT IN A HORRIFIC CAR ACCIDENT JUNE 2007, HOW BAD OFF MUST I BE JANUARY 2009, OVER 3 YEARS LATER, INJURED FURTHER?

SPEAKS VOLUMES DOESN'T IT? THEY DON'T EVEN ANSWER MY SLIPS ANY MORE,

IV STATEMENT OF CLAIM (CONT - PAGE 20)

2 6/5/07 AUTO ACCIDENT INJURIES

AS A RESULT OF A HEAD ON COLLISION, IN ADDITION TO HEAD/SPINAL COLUMN TRAUMA, THE RESULT OF STRIKING, BOUNCING OFF, AND ALMOST GOING THROUGH THE WINDSHIELD, MY FEMUR ON MY RIGHT LEG (THIGH BONE) WAS DRIVEN UP INTO THE HIP SOCKET, TEARING LIGAMENTS, AND BREAKING MY PELVIS (HIP BONE). THEN THE FEMUR SHATTERED - SNAPPED IN 3 PLACES, LEAVING A TWO-INCH GAP IN THE BONE, AND FRAGMENTS EVERYWHERE.

THE PAIN WAS EXCRUCIATING. WORDS DO NOT ADEQUATELY EXPRESS IT, I WAS RUSHED TO THE EMERGENCY ROOM, AND THEN TO INTENSIVE CARE, AWAITING EMERGENCY SURGERY TO REBUILD ME. REPEATED DOSES OF MORPHINE PROVIDED NO RELIEF. FEARING AN OVERDOSE, THE HOSPITAL ANESTHETIZED ME, PUTTING ME INTO A DRUG INDUCED COMA.

THE COMA WAS ALSO TO PROTECT ME FROM POLICE, WHO PHYSICALLY TORTURED ME AFTER THE ACCIDENT, ON THE SCENE, AND IN THE EMERGENCY ROOM. THE FIRST OFFICER ON THE SCENE DEMANDED I.D. I TOLD HIM MY NAME, BUT EXPLAINED

IV STATEMENT OF CLAIM (CONT - PAGE 21)

THAT I FEARED MOVING TO GET MY WALLET IN MY BACK POCKET, DUE TO MY "OBVIOUS FRACTURES - RIGHT FEMUR" (QUOTE - EMT TRANSPORT FORM) THE OFFICER YANKED ME ROUND THE CAR LIKE A RAG-DOLL, AND GRABBED MY WALLET, I WAS SHAMMED UPON A STRETCHER DURING EXTRACTION WITH POLICE HELP,

UPON ARRIVAL IN THE EMERGENCY ROOM, DETECTIVES WOULD NOT ALLOW DOCTORS TO EXAMINE ME UNTIL THEY INTERROGATED ME, AND HAD AN ILLEGAL BODY CAVITY SEARCH PERFORMED - THREE TIMES. I WAS LIFTED UP BY ALL FOUR, THREE TIMES, AND A VACUUM TUBE WAS INSERTED INTO MY RECTUM, IN A WITCHHUNT FOR NON-EXISTANT DRUGS. THE LAST THING I HEARD, AS DETECTIVES BEGAN ROUND TWO OF THE INTERROGATION, WAS "THAT'S IT. I'M PUTTING HIM OUT."

I WOKE TWO DAYS LATER TO BE TOLD THAT I HAD EXPERIENCED RESPIRATORY FAILURE, AND HAD GONE THROUGH SURGERY TO REPAIR MY SHATTERED LEG AND BROKEN HIP. FOUR TITANIUM PINS WERE REQUIRED TO REBUILD MY HIP. MEANWHILE, A HOLE WAS DRILLED THE LENGTH OF MY FEMUR, AND A TITANIUM ROD INSERTED

IV STATEMENT OF CLAIM (CONT - PAGE 22)

INSIDE THE BONG, AND SECURED BY TWO MORE PINS, TO STABILIZE THE LEG.

TRADITIONAL PLASTER CASTS WERE INADEQUATE FOR MY INJURIES.

I WAS IN THE HOSPITAL FOR TWO WEEKS. IT TOOK WEEKS FOR THE SWELLING TO GO DOWN. I THINK IT WAS TEN WEEKS BEFORE I WAS ABLE TO GRADUATE FROM A WALKER TO CRUTCHES. MY RANGE WAS TO THE BATHROOM AND BACK. I WAS ESSENTIALLY BEDRIDDEN THE 15 WEEKS PRIOR TO MY ARRAIGNMENT, ON 9/17/07.

AT MY ARRAIGNMENT, DEFENSE PLEADED TO CONTINUE MY R.O.R. STATUS, EXPLAINING THAT I HAD "MANY SCHEDULED APPOINTMENTS WITH DOCTORS AND HOSPITALS TO TREAT HIS PHYSICAL CONDITION." I HAD MISSED MY FIRST SCHEDULED ARRAIGNMENT BECAUSE MY INJURIES WERE STILL SO SEVERE THEY PRECLUDED IT. "ON THAT DAY JUDGE, HE WAS IN SEVERE PAIN, HE TOOK MEDICATIONS THAT WERE SUPPLIED TO HIM BY THE HOSPITAL. HE DIDN'T EVEN WAKE UP, JUDGE. THE MEDICATIONS KNOCKED HIM OUT."

DEFENSE COUNSEL CONTINUED, "HE'S CERTAINLY NO FLIGHT RISK, JUDGE. HE CAN HARDLY WALK." THIS IS WHAT THE ARRAIGNMENT MINUTES SAY. I WAS

IV STATEMENT OF CLAIM (CONT - PAGE 23)

TEETERING ON CRUTCHES, BARELY STABLE.
THE ACTUAL QUOTE WAS, "RUN? THE
MAN CAN'T EVEN STAND."

DESPITE THIS REALITY, AND MY BEING
ON PERMANENT DISABILITY, MAKING ME
A LEGAL AID DEFENDANT, J. GAZZILLO
SET MY BAIL AT AN EXORBITANT \$250,000,
CASH ONLY. IN OTHER WORDS, THERE WAS
NO WAY I WAS GETTING OUT TO CONTINUE
TREATMENT.

HOWEVER, AS PREVIOUSLY STATED, THE
JUDGE DID MARK THE FILE "MEDICAL
ATTENTION," ESSENTIALLY A COURT ORDER
STATING, "HE NEEDS TREATMENT. TREAT
HIM."

AS STATED, I WAS PLACED ON THE MEDICAL
TIER. I IMMEDIATELY STATED TO THE MEDICAL
UN IT THAT I HAD AN APPOINTMENT SOON,
9/26/07 COMES TO MIND, TO SEE THE SURGEON
WHO REPAIRED MY LEG, FOR AN X-RAY
TO CONFIRM THE STATUS OF MY YET
UNFUSED FEMUR BREAK, AND WHETHER
OR NOT I NEED A BONE STIMULATOR,
TO HELP IT HEAL.

I WAS FLATLY TOLD THAT I COULD
FORGET SEEING MY DOCTOR BY ALICE,
AND THAT ANY TREATMENT NECESSARY
WOULD BE DONE BY THE JAIL IN THE JAIL.

IV STATEMENT OF CLAIM (CONT-PAGE 24)

WITH THIS INJURY HOWEVER, SHE DID HAVE ME SIGN A RELEASE, AND SEND FOR (SUPPOSEDLY) MY MEDICAL RECORDS FROM THE SURGEON ON MY LEG, A DR ROGACHEFSKY. I WAS LATER TOLD, "WE SPOKE TO HIM, AND HE SAID YOU SHOULD HAVE A CANE INSTEAD OF CRUTCHES, AND WALK ON IT TO STIMULATE BONE GROWTH."

EXCEPT, I WAS ON THE MEDICAL TIER, WHICH IS 21 HOUR LOCKDOWN. HOW MUCH WALKING COULD I DO LOCKED IN A CELL 21 HOURS A DAY? I ALSO DEMANDED THE X-RAY I WAS SUPPOSED TO HAVE ON 9/26/07. THIS DID NOT TAKE PLACE UNTIL AT LEAST LATE OCTOBER, AND I WAS NEVER CALLED DOWN TO HEAR THE RESULTS.

NOW I HAD SPENT THE MONTH OF OCTOBER DEMANDING A TRANSFER OFF THE MEDICAL TIER, ESPECIALLY AFTER I'D LARGELY STOPPED USING THE CANE BY OCTOBER'S END, TO GIVE ME THE FREEDOM TO MOVE AROUND, OUTSIDE OF A 6 X 8 FOOT CELL, AS MY DOCTOR ORDERED. THE JAIL RETALIATED FOR MY REPEATED TRANSFER REQUESTS (BY "SHIP") TO BOTH MEDICAL AND CLASSIFICATION, BY TRANSFERRING ME TO A GANG TIER FULL OF "BLOODS".

IV STATEMENT OF CLAIM (CONT - PAGE 25)

WITHIN 24 HOURS, THERE WAS A RIOT AND THE TIER WAS LOCKED DOWN 23 HOURS, WORSE THAN THE MEDICAL TIER. FORTUNATELY, I WAS NOT INVOLVED, NOR INJURED, BUT THE FACILITY RISKED MY LIFE AND MY HEALTH, BY TRANSPORTING A CRIPPLED, NEARLY 40 YEAR OLD, WHITE MAN TO A TIER WITH YOUNG, BLACK, GANG MEMBERS, ON THE EVE OF A WAR BETWEEN "BLOODS" AND NON-"BLOODS". I WAS STILL LIMPING AND THEY SENT ME INTO A WAR ZONE, TO RETALIATE AGAINST A REQUEST THEY FACILITATE COMPLIANCE WITH MY DOCTOR'S ORDER TO "WALK ON IT". RACIAL ISSUES ARE REAL HERE.

BY NOVEMBER 2007'S END, MY RIGHT KNEE STILL HURT BADLY. I WAS STILL LIMPING. I KNEW THERE WAS SOMETHING WRONG, I CANT WALK ON STAIRS WITHOUT EXTREME PAIN. I CANT KNEEL ON IT, NOR EXTEND MY RIGHT LEG WHILE SITTING. I CANT RUN ON IT. THESE CONDITIONS PERSIST TO THIS DAY.

I CAME TO BELIEVE I HAVE TWO TORN LIGAMENTS, ONE THE MINISCUS, WHICH CONNECTS THE FEMUR TO THE SHIN BONE, THE OTHER, ONE OVER THE KNEE-CAP, WHICH WOULD HELP IN EXTENDING THE LEG. IT MAKES SENSE TO ME THAT FORCES

IV STATEMENT OF CHAIM (CONT - PAGE 26)

CAPABLE OF DRIVING A FEMUR INTO A HIP WITH ENOUGH FORCE TO BREAK BOTH YOUR HIP BONE, AND YOUR FEMUR, THE LARGEST BONE IN YOUR BODY, IN SEVERAL PLACES, COULD ALSO DAMAGE KNEE LIGAMENTS EASILY.

I REQUESTED AN X-RAY ON MY KNEE, AND MUCH TO MY SURPRISE, RECEIVED ONE WITHIN A MONTH. AT THAT TIME, I INQUIRED ABOUT THE LEG X-RAY THAT I WAS NEVER TOLD THE RESULTS OF. I WASN'T ALLOWED TO SEE THE REPORT, BUT WAS TOLD, "YOU'RE FINE. IT'S HEALED." KNOWING STANDARD OPERATING PROCEDURE IN S.I.C.C.F MEDICAL UNIT, DENYING ME ACCESS TO THE REPORT CAUSED ME CONSIDERABLE ANXIETY, BUT AS THE KNEE HURT, AND NOT THE LEG, I TURNED MY FOCUS ON THAT.

MUCH LIKE THE LEG X-RAY, I WAS NEVER CALLED DOWN TO DISCUSS THE RESULTS ON THE KNEE. AS PREVIOUSLY STATED, BY LUCK, I GOT TO SEE DR "IGOR", AFTER MANY REQUESTS AND ATTEMPTS TO ADDRESS BOTH MY BACK AND KNEE ISSUES. HE TOO REFUSED ME ACCESS TO THE REPORT, TELLING ME IT SAID NOTHING MORE THAN THAT I HAD BONE SPURS AND ARTHRITIS, I WAS ADAMANT THAT THIS COULD NOT BE

IV STATEMENT OF CLAIM (CONT - PAGE 27)

THE PROBLEM. "FOR 39 YEARS I WAS FINE, UNTIL 6/5/07. THEN I HAD A CAR ACCIDENT, AND I'M LIMPING, IN EXTREME PAIN EVER SINCE. IT IS NOT ARTHRITIS CAUSING THIS."

THE DOCTOR, "IGOR" DEMONSTRATED HOOKING A TOWEL UNDER MY FOOT TO STRETCH THE KNEE, AND COUNTERACT THE ARTHRITIS, SO AS TO AVOID NEEDING A KNEE REPLACEMENT OPERATION, "BECAUSE THEY ONLY LAST ABOUT 10 YEARS."

AS PREVIOUSLY STATED, DR "IGOR" TOLD ME HE WOULD PRESCRIBE SOME VICODIN, TO EASE MY VARIOUS PAINS, WITHOUT TELLING ME IT WAS ONLY A SMALL DOSE A NIGHT, FOR ONE WEEK. FEARING LOSING THE ONE THING I'D ACHIEVED, I DECIDED NOT TO ARGUE FURTHER.

A WEEK LATER, WHEN ALICE DISCONTINUED THE DOCTOR'S PRESCRIPTION, MUCH LIKE THE BACK, I AGAIN REVISITED MY DEMANDS FOR EVALUATION AND SURGERY FOR MY BACK, AND FOR MY KNEE. THIS, AND SUBSEQUENT SHIPS, AND VISITS PRODUCED NO RESULTS.

BY MARCH, I HAD GIVEN UP ALL HOPE OF EVALUATION, SURGERY, OR EVEN PAIN MANAGEMENT. I SET MY SIGHTS

IV STATEMENT OF CLAIM (CONT - PAGE 28)

ON ATTAINING A BAIL REDUCTION, AND/OR BEATING MY CHARGES, OF WHICH I AM INNOCENT, IN ORDER TO ACQUIRE MEDICAL TREATMENT, BUT THIS WAS AN UPHILL BATTLE. I'VE BEEN THROUGH THREE ATTORNEYS. THE FIRST TWO IGNORED MY CASE. I'M AN "INDIGENT" DEFENDANT. I DON'T MATTER. MY THIRD ATTORNEY, WHILE VERY HONORABLE, AND RECEPTIVE TO MY PLIGHT, WAS DISTRACTED BY HIS WIFE'S NEAR-FATAL ILLNESS DURING THE SUMMER OF 2008.

IT WAS DURING THIS TIME I LEARNED OF, AND FILED MY TWO MEDICAL GRIEVANCES, ONE OF WHICH CONCERNED MY KNEE. MUCH LIKE MY BACK, A SELF-INFLATED EGO DRIVEN NURSE, WITHOUT ANY MEANINGFUL EXAMINATION, DENIED THAT MY CONDITION EXISTED, REFUSED ANY FURTHER DIAGNOSTIC TESTING, BEYOND THE X-RAY, WHICH IS NOT USEFUL OUTSIDE BONE ISSUES, AND PRECLUDED ANY TALK OF SURGERY.

AS PREVIOUSLY DISCUSSED, MY 9/7/08 "PHYSICAL" WITH DR PRENTISS TOLD ME IN NO UNCERTAIN TERMS, "LONG AS YOU AREN'T GOING TO DIE ON OUR WATCH - YOU'RE NOT GETTING ANYTHING!" HIS

IV STATEMENT OF CLAIM (CONT - PAGE 29)

"LET'S WAIT AND SEE WHAT HAPPENS"
 COMMENT EQUALLED "HOPEFULLY
 YOU'LL BEAT YOUR CASE AND LEAVE"
 MUCH LIKE MY BACK, I HAVE BEEN
 IN EXTREME PAIN DUE TO MY KNEE,
 EVERY SURFACE I WALK ON IS STEEL
 AND STONE, THE SNEAKERS WE ARE ISSUED
 ARE CHEAP GARBAGE WITH NO CUSHION
 OR ARCH SUPPORT. THEY LITERALLY FALL
 APART WITHIN DAYS OF ISSUE.

I LIVE IN A PERPETUAL CATCH-22. I
 MUST WALK IN THE YARD, TO KEEP MY WEIGHT
 DOWN, AND ALLEVIATE PRESSURE ON BOTH
 MY DISCS, AND MY KNEE, AS THERE IS
 NO OTHER EXERCISE OPPORTUNITY HERE,
 AND IN MY CONDITION, I'M VERY
 LIMITED IN WHAT I CAN DO ANYWAY,
 BUT TO ACCESS THE YARD, I MUST CLIMB
 THREE FLIGHTS OF STAIRS, CAUSING
 ME AGONY,

I FEAR WALKING ON MY KNEE, DAMAGED
 AS IT IS, HAS CAUSED IRREPARABLE DAMAGE
 THAT EVEN SURGERY MAY NO LONGER BE
 ABLE TO CURE, AS WHEN, SOMETIMES WHEN
 THINGS HEAL WRONG, AND ONLY PARTIALLY,
 THEY ARE UNREPAIRABLE, AND FOREVER
 DAMAGED.

WITH THIS IN MIND, I MADE ONE LAST ATTEMPT

IV STATEMENT OF CHAIN (CONT - PAGE 30)

TO SECURE AT LEAST EVALUATION, SO I'D KNOW FOR SURE WHAT THE PROBLEM IS, IF NOT ALSO GET IT TREATED, ON TWO SUCCESSIVE COURT DATES IN EITHER SEPTEMBER OR OCTOBER 2008, I ASKED J. ERMAN TO ISSUE AN ORDER OF THE COURT MANDATING THE JAIL BRING ME TO AN ORTHOPEDIST FOR EVALUATION,

HE WOULD NOT ISSUE A SPECIFIC ORDER, BUT SAID, "ALL I CAN DO IS PUT IT ON THE COMMITMENT PAPERS, AND ASKED WHICH KNEE IT WAS." BOTH OF THESE "ORDERS" WERE IGNORED BY S.C.C.F., JUST LIKE MY MEDICAL SLITS.

I DO NOT EXIST TO S.C.C.F.'S MEDICAL UNIT POST 9/7/08.

IV STATEMENT OF CLAIM (CONT - PAGE 38)

3 POST-TRAUMATIC STRESS DISORDER (MENTAL ISSUE)

THE DAY OF THE ACCIDENT, I HAD JUST LEARNED OF MY GIRLFRIEND'S BRUTAL RAPE DURING MY 2006 INCARCERATION. SHE GAVE ME SUCH DETAIL THAT I WAS ACTUALLY PICTURING IT, AS IF WATCHING A MOVIE. MOMENTS BEFORE THE CRASH, I LATER FOUND OUT THIS IS AN ACTUAL PSYCHOLOGICAL PHENOMENA. (I JUST THOUGHT I WAS CRAZY) "SEEING" THE RAPE WAS A CONTRIBUTING FACTOR TO THE CRASH.

I WAS REELING IN AGONY BOTH FOR HER AND FOR ME, AS WELL AS TORMENTED THAT SHE WOULD KEEP IT FROM ME FOR A YEAR AND A HALF. I WAS DEVASTATED, LEARNING ALL OF THIS ONLY FIVE DAYS BEFORE THE ACCIDENT. SHE WAS SUICIDAL. THEN THE ACCIDENT HAPPENS. IT WAS HORRIFIC. I'VE ALREADY DOCUMENTED MY CRITICAL INJURIES, AND THE POLICE TORTURE. AS YOU CAN IMAGINE, BETWEEN THE RAPE ISSUE AND MY ORDEAL, I SUFFER CONSIDERABLE ANXIETY, ON JUST THOSE ISSUES, WORST OF ALL, AN ELDERLY WOMAN DIED. WITH CRIMINAL CHARGES STILL PENDING, I AM NOT AT LIBERTY TO GO INTO DETAIL AT PRESENT, AS TO EVERY FACET OF THE

IV STATEMENT OF CLAIM (CONT - PAGE 32)

ACCIDENT, AND MY DEFENSE, BUT I AM NOT GUILTY OF THE CHARGES ARRAYED AGAINST ME, PASSENGER INTERFERENCE WAS THE PRIMARY CAUSE OF THE ACCIDENT.

I NOT ONLY SUFFER FROM THE OVERWHELMING BURDEN OF KNOWING I WAS IN A FATAL ACCIDENT, AND THE PAIN THIS HAS CAUSED THE VICTIM'S FAMILY, BUT I STAND WRONGLY ACCUSED OF MANSLAUGHTER, AND FACE AS MUCH AS 15 YEARS IN PRISON.

IN THE WEEKS AFTER THE ACCIDENT, I WOULD LIE AWAKE, WATCHING MY GIRLFRIEND SLEEP, AND CRY, KNOWING THE ANGUISH THE VICTIM'S HUSBAND MUST FEEL, AND THAT, HAD IT BEEN MY GIRLFRIEND WHO DIED, I WOULD NOT HAVE BEEN ABLE TO GO ON, THEN I WOULD PASS OUT, START DREAMING OF THE ACCIDENT, RELIVING IT, AND WAKE SCREAMING, CRYING HYSTERICALLY.

I WAS ASKED IF I WANTED TO SEE THE JAIL PSYCHIATRIST ON 9/17/07. I SAID, "YES I'M A MESS". TO DATE, 16 MONTHS LATER, DESPITE SUBSEQUENT REQUESTS TO THE NURSE I SEE IN MENTAL HEALTH, AND "SLIPS," THIS HAS NEVER OCCURRED.

THE ONE SAVING GRACE I DID RECEIVE IS THAT THIS NURSE PRESCRIBED SOME

IV STATEMENT OF CLAIM (CONT - PAGE 39)

ANTI-ANXIETY MEDICATION THAT HELPS ME SLEEP, UPON HEARING OF MY EXTENSIVE PTS, BUT THIS MEDICATION IS ESSENTIALLY ALL THE MENTAL HEALTH TREATMENT I RECEIVE.

MY FIVE TO TEN MINUTE VISITS TO THIS NURSE IN MENTAL HEALTH, PRIMARILY CONSIST OF RENEWAL OF, AM MONITORING THE MEDICATION. THE FACILITY IS QUICK TO GIVE ANY MEDICATION THAT KEEPS US PASSIVE. HOWEVER, IT IS WITH A CATCH.

AS PER SECURITY'S ORDERS, ALL PILLS ARE CRUSHED, AND ALL CAPSULES OPENED AND POURED IN YOUR HAND. THIS REGULATION IS DESIGNED TO PREVENT PASSING YOUR PILLS TO OTHERS, (SECURITY ALWAYS COMES BEFORE MEDICAL CARE,) BUT IT HAS HORRIFIC CONSEQUENCES.

FORGET A MOMENT, THAT IT GIVES YOU A SORE THROAT, AND MAKES YOU NAUSEAS. THE JAIL IS USURPING THE PHARMACEUTICAL MAKER'S DESIGN. MOST PILLS ARE TIME RELEASED. FOR A TIME I WAS TAKING 200 MG OF TRAZADONE, A SOLID PILL. CRUSHING IT MADE IT ABSORB RAPIDLY AND HIT ME LIKE A SLEDGEHAMMER, I DOCUMENTED THIS A FEW TIMES, I

IV STATEMENT OF CLAIM (CONT. - PAGE 34)

GOT DIZZY, NAUSEAS, HAD TROUBLE BREATHING, AND SAW DOUBLE TO SUCH AN EXTENT, THAT FROM A SITTING POSITION, I ALMOST FELL OFF MY BED, ATTEMPTING TO LAY DOWN. I HAD TO DISCONTINUE THE MEDICATION,

OF FURTHER ANNOYANCE IS THAT THEY DELIVER "SLEEP-AID" MEDICATION AT 6:30 PM. LIGHTS OUT IS 11:00 PM, BUT IF I TAKE MY MEDS, BY 7:30 PM, I'M DOZING OFF. IN SHORT, THE CURE IS WORSE THAN THE ILLNESS QUITE OFTEN.

THOUGH I AM APPRECIATIVE OF THE MEDS, AND THE FEW MINUTES THE NURSE SPENDS WITH ME, I HAVE GOTTEN NO REAL TREATMENT FOR THE ISSUES OF MY GIRLFRIEND'S RAPE, HER NOT TELLING ME, MY PHYSICAL INJURY'S PAIN, THE POLICE TORTURE, THE POLICE FABRICATING FALSE CHARGES AGAINST ME, AND MOST OF ALL, THE ANGUISH OVER THE FATALITY. I'VE ENDURED ENOUGH TO CRUSH MOST, ON TOP OF MY PHYSICAL INJURIES, AND I HAVEN'T GOTTEN SO MUCH AS A ONE HOUR SIT-DOWN WITH THE SHRINK.

IV STATEMENT OF CLAIM (CONT - PAGE 35)

4 EYESIGHT PROBLEMS

I AM 40. I COME FROM A FAMILY THAT WEARS GLASSES. THE DIET IN THE JAIL IS NOT LADEN WITH VITAMINS "A" AND "E" TO HELP EYESIGHT. THESE ALL EQUAL "GLASSES" DURING THE SUMMER OF 2008 I BEGAN TO HAVE TROUBLE READING, AND SEEING THE TV. I COMMUNICATED THIS TO DR PRENTISS DURING MY 9/7/08 "PHYSICAL". HE SAID HE'D SCHEDULE AN EYE EXAM. WHY HE COULDN'T DO ONE ON THE SPOT IS BEYOND ME.

SAID EXAM NEVER OCCURRED. AT LEAST 3 SHIPS REQUESTING IT SINCE HAVE BEEN IGNORED. I PROBABLY NEED GLASSES. THIS IS ESPECIALLY TIRESOME SINCE AS A LEGAL AID DEFENDANT, I DO A LOT OF MY OWN LEGAL WORK, TONS OF READING - STATUTES, CASE LAW, TREATISES, ETC. AS STATED PRIOR, MEDICAL COMPLETELY IGNORES ME AS OF 9/7/08.

5 CANCEROUS SKIN GROWTH?

IN OCTOBER 2007, I NOTICED AN HOUR-GLASS SHAPED "SKIN TAB" IN A LESS THAN IDEAL PLACE. I PINCHED IT BETWEEN MY FINGERS AND RIPPED IT OFF, AND FORGOT ABOUT IT.

IV STATEMENT OF CLAIM (CONT - PAGE 36)

UNTIL ABOUT APRIL OF 2008, WHEN I NOTICED IT HAD NOT ONLY GROWN BACK, IT HAD CHANGED FROM FLESH COLOR TO BROWN, AND TAKEN ON A MOLE-LIKE APPEARANCE.

OVER THE FOLLOWING MONTHS, IT GREW A BIT LARGER, BUT AS MEDICAL WAS IGNORING OBVIOUS ISSUE, I DOUBTED THEY'D ADDRESS THIS. HOWEVER, SHORTLY AFTER MY 9/7/08 "PHYSICAL", I DISCOVERED THAT IT NOT ONLY HAD DOUBLED IN SIZE, IT HAD A CONSIDERABLY LARGER "COUSIN" GROWING RIGHT NEXT TO IT.

LATE SEPTEMBER, EARLY OCTOBER 2008 I DROPPED THE FIRST OF 3-4 SLIPS REQUESTING A BIOPSY ON IT. TO DATE, NONE HAVE BEEN ANSWERED. THOUGH IT IS PROBABLY SOME BENIGN GROWTH, SHOULD IT BE CANCEROUS, IT IS WORTHY OF NOTE THAT NOT ONLY DID MY EXPERIENCE DISSUADE ME FROM REPORTING IT FOR OVER A YEAR, AND WHEN I DID, IT WAS IGNORED, AS EXPECTED, BUT ALSO THAT GIVEN MY DESCRIPTIONS, IT IS WORTHY OF INVESTIGATION AND THE JAIL'S DONE NOTHING.

IV STATEMENT OF CLAIM (CONT - PAGE 37)

6 MISCELLANEOUS MEDICAL ISSUES

GUM INFECTION

SOMETIME IN MAY OF 2008, I DEVELOPED A GUM INFECTION, I BELIEVE, AT LEAST IN PART, BECAUSE THE TOOTHPASTE AND MOUTHWASH WE HAVE ACCESS TO HAS NO ALCOHOL IN IT TO KILL GERMS, DUE TO THE POSSIBILITY OF ALCOHOLICS GOING THROUGH WITHDRAWAL INGESTING IT. THIS IS STANDARD PRACTICE IN REHAB. (THINK BACK TO THE 1988 PRESIDENTIAL ELECTIONS - "KITTY DRANK RUBBING ALCOHOL")

MY GUMS WERE BLEEDING, I HAD A SORE THROAT. I REQUESTED / INQUIRED IF I COULD GET SALT TO GARGLE WITH OFF THE MEDS CART. NURSE "LOUD" REPLIED, "I HAVE IT, BUT YOU NEED A PRESCRIPTION FOR IT" [SALT]

WHAT WOULD'VE PASSED IN DAYS, TOOK WEEKS TO HEAL, AND THEY RISKED MY TEETH.

EAR ACHE / HEARING LOSS

LATE SUMMER 2008, I HAD AN EAR ACHE, AND PERCEIVED A HEARING LOSS, AFTER THE SALT ISSUE, AND GRIEVANCE SAGA, I DIDNT BOTHER REPORTING IT. LUCKILY, IT PASSED.

IV STATEMENT OF CLAIM (CONT - PAGE 38)7 DRUG / ALCOHOL TREATMENT

AS PREVIOUSLY MENTIONED, I AM A RECOVERING ADDICT. WHEN I ARRIVED IN S.C.C.F., I WAS FEARFUL THAT THE STRESS AND PRESSURE OF THE ACCIDENT, MY INJURIES, THE FATALITY, AND THE HEAVY CHARGES I FACED, WOULD WEAKEN MY RESOLVE, AND MAKE ME SUCCEED TO TEMPTATION WHEN DRUGS CROSSED MY PATH IN JAIL.

I IMMEDIATELY DROPPED A SHIP TO SEE ERIANA, THE DRUG AND ALCOHOL COUNSELOR, TO GET INTO TREATMENT. THOUGH I WAS NOT HEAVILY ATTENDING MEETINGS THROUGH THE SUMMER, EVEN ON CRUTCHES, I MANAGED TO MAKE ONE OR TWO.

I WAS SHOCKED TO FIND OUT THAT NO "PROFESSIONAL" TREATMENT PROGRAM EXISTED IN S.C.C.F. ONLY N/A AND A/A EXISTED FOR THOSE WHO SOUGHT HELP, BUT YOU HAVE TO SIGN UP FOR THEM, BE LISTED AS A MEMBER, AND BE CALLED BY A C.O FOR IT. I SIGNED UP FOR BOTH.

BUT IN THE COMING WEEKS, I WAS NEVER CALLED. REPEATED INQUIRIES WERE MET WITH HOSTILE REPLIES, "THERE'S A LONG WAITING LIST. WHEN YOU MAKE THE LIST, YOU'LL BE CALLED. NOW STOP F — ASKING."

IV STATEMENT OF CLAIM (CONT - PAGE 39)

SOME TWO MONTHS LATER, I WAS NEVER CALLED, HOWEVER, I CAME ACROSS AN A/A "BASIC TEXT" ON THE TIER, AND BEGAN READING IT. I WAS NEVER REALLY INTO THE LITERATURE BEFORE, BUT IN THE ABSENCE OF MEETINGS, I TRIED IT. I FOUND IT INTRIGUING, BUT HARD TO RELATE TO. I REALLY DON'T DRINK. MY ISSUE IS DRUGS.

SO I INTENDED TO ASK ERIANA TO GET ME AN N/A "BASIC TEXT", SO I'D AT LEAST HAVE MORE SELF-TREATMENT, IN LIEU OF THE MEETINGS I COULDN'T SEEM TO GET INTO. I WAS DOWN AT MEDICAL ONE DAY LATE IN 2008, AND SAW HER.

I STARTED TO ASK, AND SHE SAYS, "YOU CAN'T TALK TO ME LIKE THIS. YOU HAVE TO DROP A SHIP." I TOLD HER THAT I JUST WANTED TO ASK ONE QUESTION ABOUT HER GETTING ME AN N/A BOOK. SHE REFUSED TO ENTERTAIN THE QUESTION.

SO I DROPPED A SHIP, AND A WEEK LATER GOT AN APPOINTMENT TO ASK WHAT I'D ALREADY ASKED. I WAS TOLD THAT THE JAIL DID NOT PROVIDE ANY MATERIAL FOR A/A AND N/A MEETINGS, AND THAT YOU HAD TO GET A FAMILY MEMBER TO PROVIDE THEM, THIS IS LUDICROUS. PICTURE THIS - YOU HAVE SUBSTANCE ISSUES, YOUR FAMILY, ALREADY

IV STATEMENT OF CLAIM (CONT - PAGE 40)

TORTURED THROUGH YOUR ADDICTION, LEARNS NOW YOU HAVE A SECOND PROBLEM, CRIMINAL CHARGES. THEY MAY NOT EVEN BE SPEAKING TO YOU.

SO YOU SEEK OUT HELP. HELP THAT MAY REMOVE YOU FROM THE LIST OF CRIMINALS, AND PLACE YOU BACK ON SOCIETY'S ROSTER. AND THE JAIL CANT PROVIDE YOU WITH A \$6 PAPERBACK TO FACILITATE THIS?

ELIANA SAID SHE COULD DO NOTHING ABOUT IT, BUT WOULD PLACE ME BACK ON THE LIST AGAIN. 16 MONTHS LATER, TO DATE, I'VE NEVER BEEN CALLED. ELIANA IS USELESS, AND HER SALARY A COMPLETE WASTE OF TAXPAYER FUNDS.

YOU HAVE SOMEONE ACTIVELY, EAGERLY, REPEATEDLY SEEKING HELP, AND EVEN PURSUING 'SELF-HELP', AFTER INITIAL OBSTACLES, AND WHAT DID SHE DO TO FACILITATE IT? NOTHING.

FORTUNATELY, MY RESOLVE HAS REMAINED STRONG. DESPITE DAILY OPPORTUNITY AT POINTS, I HAVE NOT TOUCHED A THING. NOW IN YEAR TWO OF SOBRIETY, WITHOUT A SINGLE SLIP, I WANT TO KEEP WHAT I'VE ACHIEVED, BUT IT IS NO THANKS TO THE S.C.C.F. "DRUG/ALCOHOL COUNSELOR" ELIANA. ANY MONKEY CAN FILL OUT AND FILE A QUESTIONNAIRE.

V. Relief:

State what relief you are seeking if you prevail on your complaint.

INJUNCTIVE RELIEF - (SEE ATTACHED)

PUNITIVE AND COMPENSATORY DAMAGES FOR
INTENTIONAL AND NEGLIGENT INFLICTION OF PERMANENT
PAIN AND SUFFERING, OF BOTH PHYSICAL
AND EMOTIONAL DIMENSIONS (SEE ATTACHED)

I declare under penalty of perjury that on _____, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 20TH day of JANUARY, 2009. I declare under penalty of
perjury that the foregoing is true and correct.

Anthony J. Caputo
Signature of Plaintiff

SUFFERK COUNTY CORRECTIONAL FACILITY
Name of Prison Facility

110 CENTER DRIVE
RIVERHEAD, NY 11901

Address

465208
Prisoner ID#

V RELIEF

INJUNCTIVE RELIEF

1 DEGENERATIVE DISC DISEASE - IMMEDIATE ACCESS
TO TREATMENT BY MY DOCTORS, ORLIN & COHEN
ORTHOPEDIC ASSOCIATES, INCLUDING SURGERY,
AND OFFICE VISITS, AND PAIN MANAGEMENT
AS PRESCRIBED, WITHOUT ANY INTERFERENCE
FROM S.C.C.F.

2 6/5/07 ACCIDENT INJURIES

RIGHT LEG AND HIP - IMMEDIATE ACCESS TO
EVALUATION BY DR. ROGACHEFSKY, WHO PERFORMED
THE SURGERY ON MY PELVIS AND FEMUR,
TO ENSURE I HEALED PROPERLY. IN HIS OPINION *

RIGHT KNEE - IMMEDIATE EVALUATION BY MY
DOCTORS, ORLIN AND COHEN, INCLUDING AN
MRI, TO DETERMINE THE PROBLEM, AND
SURGERY IF NECESSARY, AND PAIN MANAGEMENT
AS PRESCRIBED. *

* AGAIN, WITHOUT ANY INTERFERENCE FROM S.C.C.F.

3 POST TRAUMATIC STRESS ISSUE

I'M AT A LOSS ON THIS ONE. I'M CURRENTLY
COPYING BETTER THAN I WAS ON 9/17/07, BUT
S.C.C.F. PERSONNEL COULDN'T CARE LESS, SO

V RELIEF (CONT - PAGE 2)

SEEING YET ANOTHER APATHETIC EMPLOYEE OF S.C.C.F LIKE THE PSYCHIATRIST WOULD BE FRUITLESS. JANE, THE NURSE IS SEE IN MENTAL HEALTH, IS VERY NICE, BUT HAS MADE IT CLEAR THE OVER-CROWDED JAIL HAS DOUBLE LOADED HER SCHEDULE, AND SHE HAS NO TIME FOR ME. SHE IS ALSO NOT QUALIFIED TO REALLY TREAT ME.

HOWEVER, NO ONE IS GOING TO AUTHORIZE WEEKLY VISITS WITH A PRIVATE COUNSELOR SO, WHAT AM I SUPPOSED TO ASK FOR HERE? ANY SUGGESTIONS?

H EYESIGHT PROBLEMS

IMMEDIATE EVALUATION BY AN OUTSIDE OPTOMETRIST, (THE JAIL'S WILL ONLY SAY "YOU'RE FINE") AND GLASSES, ALONG WITH VITAMIN SUPPLEMENTS IF NECESSARY

I CANCEROUS SKIN GROWTH?

IMMEDIATE EVALUATION AND BIOTSY PERFORMED BY A DERMATOLOGIST. SHOULD IT REQUIRE CANCER TREATMENT, UNFETTERED ACCESS TO SPECIALISTS WITHOUT INTER FERENCE BY THE JAIL.

6 ACCOMODATION OF MY DISABILITY

THE LUCKY FEW WHO ARE BROUGHT TO OUTSIDE

V RELIEF (CONT-PAGE 3)

DOCTORS ARE TRANSPORTED WITH COUNTY COURT INMATES TO THE HOLDING PENS AT COURT, TO AWAIT SHERIFF'S DEPUTIES TO TRANSPORT THEM.

A TYPICAL DAY FOR A 1:00 PM APPOINTMENT: WAKE 6:30 AM, LEAVE HOLDING UNIT WITH COURT INMATES 7:20 AM. TRANSPORTED, CHAINED TO THREE INMATES THROUGH HALLS AND TUNNELS TO HOLDING PENS 8:30 AM. SIT UNTIL 12:30 PM ON COLD METAL SLABS. ARRIVE BACK 3:30 PM, TUNNEL CLOSSES AT 3:00 PM, SO YOU MUST NOW WAIT UNTIL 6:30 PM FOR THE FINAL TRANSPORT BACK TO THE JAIL'S HOLDING PEN.

IT IS UNCOMFORTABLE FOR A HEALTHY PERSON. FOR ME, IT IS TORTURE. I REQUEST ALL MEDICAL VISITS TO OUTSIDE DOCTORS REQUIRE THEM TO TRANSPORT ME DIRECTLY FROM S.C.C.F.'S HOLDING PEN/RECEIVING AREA TO A CAR, AND BACK AGAIN, WITHOUT BEING CHAINED, THE LONG WALK, AND THE ENDLESS WAIT IN EXTREMELY PAINFUL ENVIRONMENTS,

7 RE-ORGANIZATION OF S.C.C.F. SO AS TO PROVIDE MEANINGFUL MEDICAL CARE

- MEDICAL SLIPS MUST BE ANSWERED,
- EVALUATIONS OUTSIDE OF GENERAL ILLNESSES LIKE THE FLU BE DONE BY FULL-TIME DOCTOR, ON STAFF 24/7

N RELIEF (CONT - PAGE 4)

- CONDITIONS REQUIRING SPECIALIST EVALUATIONS BE REFERRED TO OUTSIDE DOCTORS. EXAMPLES - OTOLITHIC CONDITIONS, OR POSSIBLE CANCERS. AN INTERNIST SHOULD NOT BE DIAGNOSING A ROTATOR CUFF INJURY, MUCH LESS TREATING IT, AND CERTAINLY A NURSE HAS NO PLACE IN THE DISCUSSION.
- IMMEDIATE TERMINATION OF ALL PERSONNEL GUILTY OF PERPETRATING A FRAUDULENT ILLUSION OF MEDICAL CARE TO ME, AND OTHERS.
- CRIMINAL CHARGES FOR CORRESPONDING VIOLATIONS OF APPLICABLE PENAL, HEALTH, AND CORRECTION LAWS.

PUNITIVE AND COMPENSATORY DAMAGES

| | |
|--|-----------------------|
| 1) DEGENERATIVE DISC DISEASE / SPINAL SURGERY - CONDITION IGNORED COMPLETELY 3 YEARS PLUS | \$ 100,000,000 |
| 2) KNEE INJURY IGNORED 1 YEAR PLUS | 25,000,000 |
| 3) SKIN GROWTH / POSSIBLE CANCER | 5,000,000 |
| 4) MISCELLANEOUS - ALL OTHER CONDITIONS | 5,000,000 |
| | <u>\$ 135,000,000</u> |